

Rule 26. Rights of minors in delinquency proceedings.

(a) A minor who is the subject of a delinquency petition filed pursuant to Section 78-3a-104 shall be advised of the following rights:

(a)(1) to appear in person and to defend in person or by counsel;

(a)(2) to receive a copy of the petition which contains the allegations against the minor;

(a)(3) to testify in the minor's own behalf;

(a)(4) to be confronted by the witnesses against the minor;

(a)(5) to have compulsory process to ensure the attendance of witnesses in the minor's behalf;

(a)(6) to be represented by counsel at all stages of the proceedings and if indigent, to have appointed counsel;

(a)(7) to remain silent and to be advised that anything the minor says can and will be used against the minor in any court proceedings; and

(a)(8) to appeal any adjudication against the minor in the manner provided by law.

(b) If the minor or the minor's parent, guardian or custodian is found to be indigent and request counsel, the court shall appoint counsel at public expense in the manner provided by law. Where necessary to protect the interest of the minor, the court may appoint counsel without the request of the minor or parent, guardian or custodian.

(c) If the parent, guardian or custodian of a minor is found not to be indigent, but does not or will not retain counsel for the minor and the minor has no means to retain counsel, the court may appoint counsel at public expense. However, the court may order, after giving the parent, guardian or custodian reasonable opportunity to be heard, that the parent, guardian or custodian reimburse the county for the cost of appointed counsel, in whole or in part, depending on ability to pay.

(d) Parties other than the minor have the right to be represented by counsel retained by them and to participate as provided in these rules.

(e) A minor 14 years of age and older is presumed capable of intelligently comprehending and waiving the minor's right to counsel as above and may do so where the court finds such waiver to be knowing and voluntary, whether the minor's parent,

31 guardian or custodian is present. A child ~~minor~~ under 14 years of age may not waive
32 such rights outside of the presence of the child's ~~minor's~~ parent, guardian or custodian.

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